

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mac Muir	Team: Squad #6	CCRB Case #: 202004586	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/03/2020 9:00 PM	Location of Incident: Cadman Plaza West and Court Street	Precinct: 84	18 Mo. SOL 12/3/2021	EO SOL 5/4/2022	
Date/Time CV Reported Mon, 06/22/2020 4:43 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/22/2020 4:43 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			
3. POM Glen Alava	18809	949977	TB VTF
4. POM Matthew Ansbro	13974	954490	TB VTF
5. POM Kevin Seward	07213	959233	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Kyle Clavin	08777	954645	113 PCT
2. POF Jessica Insauto	29081	937168	123 PCT
3. POM Keenen Adamsedwards	10378	953617	077 PCT
4. SGT Eduardo Pena	01397	928944	D C M B
5. POM John Martinez	17841	960888	072 PCT
6. POM Andrew Scampoli	29786	955454	WARRSEC
7. POM Ryesham Paulino	19211	962667	041 PCT
8. POM Richard Thybulle	17331	937628	TB VTF
9. DT2 Kaz Daughtry	03581	940052	C A B
10. DI Joseph Hayward	00000	923936	060 PCT
11. DTS Kamal Dahib	04318	936424	040 PCT
12. POM Cory Bebnowski	16985	961640	TB ATU
13. POF Brittney Hickmon	12471	960669	TB ATU
14. POM James Mills	01069	966225	067 PCT
15. POM Galo Lopez	05604	933945	SRG 5
16. POM Paul Insauto	14771	930399	SRG 5
17. POM Nikolaos Kontarinis	04510	940341	SRG 5
18. POM Kenneth Scarola	18017	937503	SRG 1

Witness Officer(s)	Shield No	Tax No	Cmd Name
19. POM Joseph Galletta	22907	957612	PSA 2
20. POM Anthony Benne	22167	946775	WTC CMD
21. CCA Jeffrey Maddrey	00000	899501	C A B

Officer(s)	Allegation	Investigator Recommendation
A.POM Matthew Ansbro	Abuse: Police Officer Matthew Ansbro refused to provide his shield number to § 87(2)(b)	
B.POM Matthew Ansbro	Abuse: Police Officer Matthew Ansbro refused to provide his shield number to § 87(2)(b)	
C.POM Glen Alava	Abuse: Police Officer Glen Alava refused to provide his shield number to § 87(2)(b)	
D.POM Glen Alava	Abuse: Police Officer Glen Alava refused to provide his shield number to § 87(2)(b)	
E. Officers	Force: Officers struck § 87(2)(b) with asps.	
F. An officer	Discourtesy: An officer acted discourteously toward § 87(2)(b)	
G. An officer	Abuse: An officer refused to provide his name to § 87(2)(b)	
H. An officer	Abuse: An officer refused to provide his shield number to § 87(2)(b)	
I. An officer	Force: An officer used physical force against § 87(2)(b)	
J. An officer	Force: An officer struck § 87(2)(b) with an asp.	
K. Officers	Force: Officers struck an individual with asps.	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

### Case Summary

This is a spin-off of CCRB Case #202004057, in which § 87(2)(b) and § 87(2)(b) were victims. On June 22, 2020, § 87(2)(b) and § 87(2)(b) submitted this complaint via telephone. On June 11, 2020, § 87(2)(b) provided a statement in CCRB Case #202003921. As her complaint occurred within the same vicinity as this incident, her allegations were combined into this case. On July 1, 2020, § 87(2)(b) provided a statement in CCRB Case #202003901. As § 87(2)(b)'s complaint occurred within the same vicinity as this incident, her allegations were also combined with this case. On August 11, 2020, § 87(2)(b) provided a witness statement. This case was deemed sensitive § 87(2)(g).

On June 2, 2020, at approximately 8:45 p.m., § 87(2)(b) and § 87(2)(b) went to a protest at Cadman Plaza West in Brooklyn. § 87(2)(b) and § 87(2)(b) went together. § 87(2)(b) and § 87(2)(b) each went separately. PA § 87(2)(b) was present. § 87(2)(b) and § 87(2)(b) stood in a line of protesters across from a line of officers, including Police Officers Matthew Ansbro and Glen Alava of the Transit Bureau Citywide Vandals Task Force. § 87(2)(b) and § 87(2)(b) each asked PO Ansbro for his shield number and he did not reply (**Allegation A and B: Abuse of Authority: § 87(2)(g)**). § 87(2)(b) asked PO Alava for his shield number, and he did not reply (**Allegation C: Abuse of Authority: § 87(2)(g)**). § 87(2)(b) complained to PO Alava that he was covering his shield. PO Alava did not reply (**Allegation D: Abuse of Authority: § 87(2)(g)**).

Several hundred officers, including PO Ansbro and PO Alava, PO John Martinez of the 72<sup>nd</sup> Precinct, PO Andrew Scampoli of the Brooklyn South Warrant Section, and PO Kevin Seward of the 44<sup>th</sup> Precinct, moved toward the crowd of protesters to clear Cadman Plaza. Three or four unknown officers allegedly struck § 87(2)(b) with asps (**Allegation E: Force: § 87(2)(g)**).

§ 87(2)(b) sat next to an elevator at the Borough Hall Subway Station, receiving treatment for a panic attack. An unknown officer allegedly spat on her and said, "Your life is not important. I do not care if you live or die" (**Allegation F: Discourtesy: § 87(2)(g)**). § 87(2)(b) allegedly requested the unknown officer's name and shield number two times and he only replied, "No" (**Allegations G and H: Abuse of Authority: § 87(2)(g)**).

As § 87(2)(b) walked past § 87(2)(b) an unknown officer pushed § 87(2)(b) in the back three or four times (**Allegation I: Force: § 87(2)(g)**). The same unknown officer used an asp to strike § 87(2)(b) in the ribs (**Allegation J: Force: § 87(2)(g)**). § 87(2)(b) allegedly observed an unknown officer strike the unknown man in front of her with an asp three or four times (**Allegation K: Force: § 87(2)(g)**).

§ 87(4-b), § 87(2)(g)

Cell phone footage of this incident was obtained from § 87(2)(b) (BR 01, 03), and additional footage was obtained from § 87(2)(b) (BR 04, 05), § 87(2)(b) (BR 06), and § 87(2)(b) (BR 07). The NYPD Legal Bureau provided BWC footage that did not depict the allegations in this case.

### **Findings and Recommendations**

**Allegation A – Abuse of Authority: Police Officer Matthew Ansbro refused to provide his shield number to § 87(2)(b)**

**Allegation B – Abuse of Authority: Police Officer Matthew Ansbro refused to provide his shield number to § 87(2)(b)**

**Allegation C – Abuse of Authority: Police Officer Glenn Alava refused to provide his shield number to § 87(2)(b)**

**Allegation D – Abuse of Authority: Police Officer Glenn Alava refused to provide his shield number to § 87(2)(b)**

§ 87(2)(b) provided a cell phone video (BR 04), beginning at 0:00, that showed PO Ansbro and PO Alava wearing mourning bands around their shield numbers. § 87(2)(b) stood approximately four feet from the officers and repeatedly told them that their badge numbers were covered, complaining that this was illegal. PO Ansbro and PO Alava ignored § 87(2)(b) and did not verbally respond or attempt to display it. The video ended without further incident. In a second video (BR 05), beginning at 0:00, PO Ansbro looked directly into the camera as § 87(2)(b) said, “Your badge number is covered, officer.” PO Ansbro and PO Alava were the only officers pointed his camera at directly.

§ 87(2)(b) testified that he complained that PO Ansbro and PO Alava’s shield numbers were covered. When he informed them that their shield numbers were covered, they did not say anything in response. § 87(2)(b) never obtained their shield numbers.

§ 87(2)(b) testified that she was approximately two feet in front of PO Ansbro when she said, “Officer, you’re not showing your badge number, it’s covered. Can you tell us your badge number?” PO Ansbro made eye contact with § 87(2)(b) but did not reply. Other protesters asked officers to uncover their shield numbers. § 87(2)(b) observed a tall white male, who the investigation identified as § 87(2)(b) asking PO Ansbro for his shield number. PO Ansbro looked at § 87(2)(b) but did not respond. § 87(2)(b) pointed at PO Alava and asked him for his shield number one time. Although she believed that he heard her, PO Alava did not look at § 87(2)(b) and did not respond. § 87(2)(b) took two photographs of PO Ansbro (BR 08, 09), the first depicting the name on his shield, and the second depicting his helmet number.

PO Ansbro testified that during this protest, he heard § 87(2)(b) complain that mourning bands were covering officers’ shield numbers. However, he did not know who this individual was speaking to, and no one requested his shield number specifically. Because he was in front of a hostile crowd, he felt that it would have been unsafe to look down and see if his shield number was covered. Even if it had been, it would have been unsafe to try to move it out of the way.

PO Alava testified that during this protest, several protesters yelled at the officers asking for their names and shield numbers. These requests were directed toward multiple officers, including PO Alava. He did not respond to any of these requests because it was a loud and chaotic situation, and because the protesters spoke generally. PO Alava believed that an officer asked why officers’ shield were covered. PO Alava’s mourning band was on his shield. At the time, he could not tell whether his mourning band covered his shield number because he could not look down. He felt that it was not tactically safe for him to lower his head and look at this shield to determine whether it was covered, because objects were being thrown around and he wanted to keep his eyes on the environment around him. In this case, the mourning band dropped down over his shield number, but he did not intentionally cover it.

Members of service may wear black elastic mourning band, ½ inch wide, on the shield, covering the seal of the city, but leaving the shield number or rank designation visible, upon the death of a member. NYPD Patrol Guide 204-17 (BR 10). Members of service must courteously and clearly state their rank, name, shield number and command, or otherwise provide them, to anyone who requests they do so. NYPD Patrol Guide 203-09 (BR 11).

§ 87(2)(g)

§ 87(2)(g)

**Allegation E – Force: Officers struck § 87(2)(b) with asps.**

**Known facts and general descriptions**

§ 87(2)(b) testified that as officers dispersed the protest, three or four officers struck him with asps on his lower body, causing bruises to form. § 87(2)(b) could not provide any physical descriptions of the officers as the situation was so chaotic.

Neither § 87(2)(b) nor § 87(2)(b) observed the force used against § 87(2)(b).

**BWC**

There is no BWC footage that captures this allegation.

**NYPD Documents Reviewed**

The investigation obtained detail rosters for the protest which contain the names of several hundred officers, some of whose names were not legible (BR 12-15). There was no TARU footage of this incident (BR 16, 17).

**Concurrent Investigations**

There is no known concurrent investigation into this allegation.

**Ranking Officers**

Chief Maddrey was the highest-ranking officer interviewed. He believed that he was the highest-ranking officer present. He ordered officers to form a line to block the street. He denied issuing additional instructions about how to respond to protesters. He was not aware of any instructions by supervisors regarding the use of asp strikes. He testified that a skirmish broke loose between civilians and officers when someone threw something, it hit an officer, and the officers advanced on the crowd to make an arrest. He did not see any officer strike any civilian with a baton. He denied instructing any officers to use their batons against civilians (BR 18).

**Officers Interviewed**

PO Ansbro, PO Alava, PO Martinez, and PO Seward denied striking any protester with their

batons. PO Scampoli did not recall striking anyone with his baton. PO Kyrollos Ebraheem of the 78<sup>th</sup> Precinct did not recall whether he was present during this incident. PO Daniel Grzan of the 19<sup>th</sup> Precinct and Det. Thomas Scalise of the 107<sup>th</sup> Precinct Detective Squad were not involved in this incident.

#### **Allegation Recitation and Disposition**

§ 87(2)(b) did not see the officers who struck him with asps and thus could not provide a description of them. The officers interviewed in this case all testified that they did not strike anyone with a baton or that they were not present. § 87(2)(g)

§ 87(2)(g)

**Allegation F – Discourtesy: An officer acted discourteously to § 87(2)(b)**

**Allegation G – Abuse of Authority: An officer refused to provide his name to § 87(2)(b)**

**Allegation H – Abuse of Authority: An officer refused to provide his shield number to § 87(2)(b)**

On June 11, 2020, § 87(2)(b) provided a telephone statement regarding CCRB Case #202003921. § 87(2)(b) testified that she had an asthma attack next to an elevator to the Borough Hall subway station.

§ 87(2)(b)'s allegations were spun off to this case for two reasons: First, because § 87(2)(b) video, § 87(2)(b), captured a group of civilians standing around a person next to the elevator to the Borough Hall subway station, and second, because § 87(2)(b) testified that she observed a person fitting a description of § 87(2)(b) laying on the ground next to the elevator to the Borough hall subway station. Neither § 87(2)(b) nor § 87(2)(b) witnessed allegations therein.

§ 87(2)(b) was uncooperative with the investigation (See IAs).

§ 87(2)(b) scheduled and missed two interview appointments without calling in advance to cancel or reschedule. § 87(2)(g)

**Allegation I – Force: An officer used physical force against § 87(2)(b)**

**Allegation J – Force: An officer struck § 87(2)(b) with an asp.**

#### **Known facts and general descriptions**

§ 87(2)(b) recorded a cell phone video on § 87(2)(b) (BR 01), that captured an officer strike § 87(2)(b) in the ribs and then push her two times. The video depicted the officers' face. However, it did not capture any identifying information such as a shield number, helmet number, or collar brass. The footage depicted some officers with identifiable helmet numbers, and those officers were interviewed.

§ 87(2)(b) testified that this officer pushed her, struck her in the ribs with his asp, then pushed her two more times. This officer was an approximately 6'3" tall uniformed white male in his 30's or old, with a heavysset build, light brown or dark blond hair, a light skin complexion, freckles, and no facial hair, glasses, or tattoos.

Neither § 87(2)(b) nor § 87(2)(b) obtained identifying information for the officer who pushed § 87(2)(b) and struck her in the ribs. They did not obtain the officer's shield number, or any other information that could distinguish him.

A search of the Complaint Tracking System (CTS) revealed that in Case #202003966, § 87(2)(b) made a video recording during this incident that captured an image of the subject officer's face (BR 19). The investigation contacted § 87(2)(b) and obtained an original copy of this video (BR 07). However, this video also failed to capture any identifying information such as a shield number, helmet number, or collar brass.

Searches of CTS revealed 11 additional complaints regarding the events at Cadman Plaza. The investigation reviewed documents and videos from these cases and was unable to uncover identifying information about the officer who pushed and struck § 87(2)(b).

### **BWC**

No BWC or TARU footage was found regarding this complaint. The first request for BWC footage yielded negative results (BR 20). The second request for BWC footage yielded results for four officers. None of that footage captured this incident (BR 21-24). The allegations captured in DTS Reynaldo Palladino's BWC footage were addressed in Case #202004003.

In Case #202003921, on June 17, 2020, a request for surveillance footage at Cadman Plaza was submitted to the Technical Assistance Response Unit (TARU). On July 15, 2020, the CCRB received a response that said "No Taru Footage" (BR 16). In Case #202004003, two requests for TARU footage for the Cadman Plaza Protests yielded negative results (BR 17).

### **NYPD Documents Reviewed**

The investigation obtained detail rosters for the protest which contain the names of several hundred officers, some of whose names were not legible (BR 12-15). The investigation identified officers from at least 20 different commands who were present during this incident. Officer interviews were conducted based on officers who were identified on video near the subject officer.

### **Concurrent Investigation**

There are no known concurrent investigations regarding this incident.

### **Ranking Officers**

Chief Maddrey was interviewed regarding this incident. He believed that he was the highest-ranking officer on scene. He ordered officers to form a line to block the street. He denied issuing additional instructions about how to respond to protesters. He was not aware of any instructions by supervisors regarding the use of asp strikes. He testified that a skirmish broke loose between civilians and officers when someone threw something, it hit an officer, and the officers advanced on the crowd to make an arrest. He did not see any officer strike any civilian with a baton. He denied instructing any officers to use their batons against civilians.

He was presented with each video of this incident and did not recognize any of the officers depicted. He did not witness an officer push or strike § 87(2)(b). He was presented with still images of the subject officer's face (BR 34) and did not recognize him (BR 18).

### **Officers Interviewed**

PO Ansbro, PO Alava, PO Martinez, and PO Seward denied striking any protester with his baton. PO Scampoli did not recall striking anyone with his baton. PO Ebraheem did not recall whether he

was present during this incident. PO Grzan and Det. Scalise were not involved in this incident. When presented with videos and images of the officer who pushed and struck § 87(2)(b) none of them recognized him.

### **Allegation Recitation and Disposition**

§ 87(2)(g)

### **Allegation K – Force: Officers struck § 87(2)(b) with asps.**

### **Known facts and general descriptions**

§ 87(2)(b) testified that as she walked out of Cadman Plaza, she observed officers, who she could not describe, strike the man directly in front of her with asps at least three or four times. He was struck in midsection. The man was a white male with an average build between 5’8” and 6’0” tall wearing dark clothes. § 87(2)(b) did not see his face or register anything else about him.

### **BWC**

No BWC or TARU footage was found regarding this complaint. The first request for BWC footage yielded negative results (BR 20). The second request for BWC footage yielded results for four officers. None of that footage captured this incident (BR 21-24). The allegations captured in DTS Reynaldo Palladino’s BWC footage were addressed in Case #202004003.

In Case #202003921, on June 17, 2020, a request for surveillance footage at Cadman Plaza was submitted to the Technical Assistance Response Unit (TARU). On July 15, 2020, the CCRB received a response that said “No Taru Footage” (BR 16). In Case #202004003, two requests for TARU footage for the Cadman Plaza Protests yielded negative results (BR 17).

### **NYPD Documents Reviewed**

The investigation obtained detail rosters for the protest which contain the names of several hundred officers, some of whose names were not legible (BR 12, 13, 14, 5, 35). The investigation identified officers from at least 20 different commands who were present during this incident. Officer interviews were conducted based on officers who were identified on video near the subject officer.

### **Concurrent Investigation**

There are no known concurrent investigations regarding this incident.

### **Ranking Officers**

Chief Maddrey was interviewed regarding this incident. He believed that he was the highest-ranking officer on scene. He did not see any officer strike any civilian with a baton. He denied instructing any officers to use their batons against civilians.

### **Officers Interviewed**

PO Ansbro, PO Alava, PO Martinez, and PO Seward denied striking any protester with his baton. PO Scampoli did not recall striking anyone with his baton. PO Ebraheem did not recall whether he was present during this incident. PO Grzan and Det. Scalise were not involved in this incident. When presented with videos and images of the officer who pushed and struck § 87(2)(b) none of them recognized him.

### **Allegation Recitation and Disposition**



§ 87(2)(g)

[Redacted text block]

§ 87(4-b), § 87(2)(g)

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

**Civilian and Officer CCRB Histories**

- § 87(2)(b) [Redacted text block]

- § 87(2)(b) [REDACTED]
- [REDACTED]
- § 87(2)(b) [REDACTED]
- [REDACTED]
- § 87(2)(b) [REDACTED]
- [REDACTED]
- PO Ansbro has been a member-of-service for 7 years and has been a subject of five CCRB complaints and six allegations, none of which were substantiated.
- PO Alava has been a member-of-service for 9 years and has been a subject of one CCRB complaint and two allegations, none of which were substantiated.

#### **Mediation, Civil and Criminal Histories**

- This case was not eligible for mediation.
- According to the Office of Court Administration (OCA), § 87(2)(b) [REDACTED] has no history of convictions in New York City (BR 30).
- According to the Office of Court Administration (OCA), § 87(2)(b) [REDACTED] has no history of convictions in New York City (BR 31).
- According to the Office of Court Administration (OCA), § 87(2)(b) [REDACTED] has no history of convictions in New York City (BR 32).
- As of March 8, 2021, the NYC Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (BR 33).

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Squad 6

Investigator: <u>Mac Muir</u>	Supervising Investigator <u>Muir</u>	Date <u>04/26/21</u>
Signature	Print Title & Name	Date

Squad Leader: _____	_____	_____
Signature	Print Title & Name	Date

Reviewer: _____	_____	_____
Signature	Print Title & Name	Date